

**MEDICAL BOARD OF CALIFORNIA
INITIAL STATEMENT OF REASONS**

Modification to Continuing Medical Education Audit

Hearing Date: Friday, May 8, 2009

Subject Matter of Proposed Regulations: Modification to Continuing Medical Education Audit

(1) Section(s) Affected: Amend Title 16, California Code of Regulations section 1338

Specific Purpose of each adoption, amendment, or repeal: Section 1338 (a) currently reads "the division shall audit **once** each year a random sample of physicians." The Board wishes to amend the current CME regulatory language by striking the word "once" and replacing it with the word "during." This will allow the Board to perform the audit in twelve equal batches throughout the year, which will make the workload manageable, predictable and consistent. (Note: Also contained are non-substantive changes in the regulatory language replacing "division" with "Board.")

Factual Basis/Rationale: Factual basis for determination that each proposed change is necessary: In 2006, the CME audit was performed in one batch for the entire year. A random sample of one percent of licensed physician and surgeons was selected and approximately 1200 letters were sent by certified mail. There was a spike in workload as a result of performing this audit in only one batch that was unmanageable.

Underlying Data: Technical, theoretical or empirical studies or reports relied upon (if any): None.

Business Impact: This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony:

This proposed change will only affect the Board's internal procedures related to how it performs the CME audit. It will not change how licensees renew their licenses or verify the completion of continuing education requirements.

Specific Technologies or Equipment: This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives: No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected: None.